

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

LOUIS EFRAIN COOPER,

Petitioner,

v.

CIVIL ACTION NO. 3:05-cv-108
CRIMINAL ACTION NO. 3:04-CR-21
(BAILEY)

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

By Standing Order entered on March 24, 2000, this action was referred to United States Magistrate Judge James E. Seibert for submission of proposed report and a recommendation ["R & R"]. Magistrate Judge Seibert filed his R & R on June 18, 2007 [Civ. Doc. 4]. In that filing, the magistrate judge recommended that this Court deny the petitioner's § 2255 petition [Civ. Doc. 1] and dismiss it.

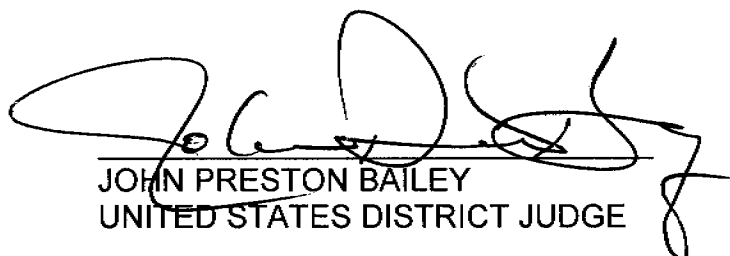
The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); ***Snyder v. Ridenour***, 889 F.2d 1363, 1366 (4th Cir. 1989); ***United States v. Schronce***, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Seibert's R & R were due by July 2, 2007, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). No objections have been filed.

Accordingly, the Court hereby adopts the recommendations of Magistrate Judge

Seibert. The Court hereby **DENIES** and **DISMISSES** the petitioner's § 2255 petition [Civ. Doc. 1]. The Court hereby **ORDERS** that this matter be removed from the Court's docket.

The Clerk is directed to mail copies of this Order to all counsel of record and the *pro se* plaintiff.

DATED: July 6, 2007.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE